

ADMINISTRATION FOR CHILDREN AND FAMILIES

CONFERENCE REPORT

EXCERPTS FROM THE JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE – H. RPT. 109-300

TITLE II--DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The conference agreement provides \$2,183,000,000 for low-income home energy assistance as proposed by the Senate instead of \$2,006,799,000 as proposed by the House. Of the amount provided \$2,000,000,000 is provided for formula grants to States. The House bill proposed the full amount for State formula grants and the Senate bill proposed \$1,883,000,000. Within the funds available, \$27,500,000 is included for the leveraging incentive fund as proposed by the Senate. The House did not include funding for the leveraging incentive fund. As proposed by the House, the conference agreement does not include funding within State formula grants for a feasibility study. The Senate proposed \$500,000 for this activity.

The conference agreement includes \$183,000,000 for the contingency fund to be available through September 30, 2006. The Senate bill proposed \$300,000,000 for the emergency fund and designated those funds as an emergency. The House did not propose funding for either the contingency or emergency fund. Together with the \$20,350,000 still available in the emergency fund appropriated in fiscal year 2005, the total amount available in fiscal year 2006 to respond to heating and cooling emergencies is \$203,350,000.

The conferees expect the appropriation provided for the contingency fund to be released, in full, prior to September 30, 2006. Given the forecasts of the costs associated with home heating this winter, the conferees anticipate that States will experience energy emergency conditions that will require additional Federal support that is available through the contingency fund.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes \$575,579,000 for the refugee and entrant assistance programs rather than \$560,919,000 as proposed by the House and \$571,140,000 as

proposed by the Senate. The conference agreement does not include funds for any of these activities through emergency funding. The Senate bill provided \$19,100,000 within the total as emergency funding; the House bill did not include emergency funding for these activities. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes \$268,229,000 for the transitional and medical services program. The House included \$264,129,000 for this program. The Senate provided \$264,129,000 through regular appropriations and \$4,100,000 as an emergency for this program. The conference agreement does not include emergency funding for this program. It is the intention of the conferees that the level provided would allow for assistance to eligible individuals during their first eight months in the United States.

The conference agreement provides \$155,560,000 for social services, rather than \$160,000,000 as proposed in the House and \$151,121,000 as proposed by the Senate. Within the funds provided, the conference agreement includes \$19,000,000 as outlined in the House report. The Senate did not include similar language. The conferees intend that funds provided above the request for social services shall be used for refugee school impact grants and for additional assistance in resettling and meeting the needs of the Hmong refugees expected to arrive during 2006 and 2007 or for other urgent needs.

The conference agreement provides \$78,083,000 for the unaccompanied minors program. The House bill proposed \$63,083,000 for this program. The Senate provided \$63,083,000 through regular appropriations and \$15,000,000 as an emergency for this program. The conference agreement does not include emergency funding for this program. The conferees direct the Secretary of Health and Human Services to issue a report by no later than one year after the date of enactment of this Act on progress made by the Office of Refugee Resettlement and programs funded under this Act to shift children to more child-centered, age-appropriate, small group, home-like environments for unaccompanied children in its custody.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes \$2,082,910,000 for the child care and development block grant, the same level as both the House and Senate bills. The conference agreement includes several specified funding recommendations within the total at levels proposed by the House rather than at the funding levels proposed by the Senate.

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSION OF FUNDS)

The conference agreement includes \$8,932,713,000 for children and families services programs, of which \$10,500,000 is provided through the evaluation set-aside. The House bill proposed \$8,701,207,000 for these programs with \$12,500,000 from the evaluation

set-aside and the Senate proposed \$9,036,453,000 with \$10,500,000 from the evaluation set-aside. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Head Start

The conference agreement includes \$6,843,114,000 for Head Start rather than \$6,899,000,000 as proposed by the House and \$6,863,114,000 as proposed by the Senate. The agreement includes \$1,388,800,000 in advance funding, the same level as proposed by the Senate. The House bill proposed \$1,400,000,000 for advance funding.

To enable the establishment of a panel of independent experts under the National Academy of Sciences to review and provide guidance on appropriate outcomes and assessments for young children, the conferees provide \$1,000,000, within the total for Head Start, for the National Academy of Sciences.

The conference agreement includes, as a general provision, a limitation against the use of funds for Head Start to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II, as proposed by the House. The Senate did not include a similar provision.

The conference agreement includes two general provisions relating to waiving requirements of regulations promulgated under the Head Start Act for transporting children enrolled in either Head Start or Early Head Start. The Senate bill included one general provision regarding this issue, but used different language than is included in the conference agreement. The House included report language pertaining to transportation waivers for this program.

Consolidated runaway and homeless youth program

The conference agreement includes \$88,724,000 for the consolidated runaway and homeless youth program, the same level as proposed by the Senate, rather than \$88,728,000 as proposed by the House.

Child abuse discretionary activities

The conference agreement includes \$26,040,000 for child abuse discretionary programs instead of \$31,645,000 as proposed by the House and \$31,640,000 as proposed by the Senate.

Adoption incentive

The conference agreement includes \$18,000,000 for the adoption incentive program rather than \$31,846,000 as proposed by the House and \$22,846,000 as proposed by the Senate. Actual bonus payments to States for fiscal year 2005 were less than amounts previously estimated, therefore, of the funds provided in fiscal year 2005 and made

available through fiscal year 2006, the conference agreement rescinds \$22,500,000. Neither the House nor the Senate proposed rescinding funds from this program.

Compassion capital fund

The conference agreement includes \$65,000,000 for the compassion capital fund rather than \$75,000,000 as proposed by the House and \$95,000,000 as proposed by the Senate. Prior to advertising the availability of funds for any grant for the youth gang prevention initiative, the conferees request that the Department of Health and Human Services brief the House and Senate Committees on Appropriations regarding the planned use of these funds.

Social services and income maintenance research

The conference agreement includes \$11,927,000 for social services and income maintenance research, of which \$6,000,000 is provided through the evaluation set-aside. The House proposed \$10,621,000 for this program, of which \$8,000,000 was funded through the evaluation set-aside and the Senate proposed \$32,012,000, of which \$6,000,000 was from the evaluation set-aside.

The conferees note that efforts undertaken through the State information technology consortium have led to greatly improved systems communications and compliance in both the TANF and child support enforcement (CSE) programs. For TANF, the conferees have provided \$2,000,000 to permit States to utilize uniquely designed web-based technology to improve benefit delivery and fulfill new Federal reporting requirements. For CSE, the conferees have provided \$3,000,000 to continue the consortium's efforts to improve data exchange between CSE and the courts in ways that will significantly reduce the time lag between court orders and enforcement/collections activities.

Developmental disabilities

Within developmental disabilities programs, the conference agreement includes \$39,109,000 for protection and advocacy services as proposed by the Senate instead of \$38,109,000 as proposed by the House.

The conference agreement also includes \$15,879,000 for voting access for individuals with disabilities rather than \$14,879,000 as proposed by the House and \$30,000,000 as proposed by the Senate. Within the funds provided, \$11,000,000 is for payments to States to promote access for voters with disabilities and \$4,879,000 is for State protection and advocacy systems.

As proposed by both the House and Senate, the conference agreement provides \$11,529,000 for the developmental disabilities projects of national significance. Within this amount, \$4,000,000 is to expand activities of the Family Support Program, as proposed by the Senate. The House did not include similar language.

Community services

The conference agreement includes \$636,793,000 for the community services block grant (CSBG) as proposed by the Senate rather than \$320,000,000 as proposed by the House. The conferees concur with language included in the Senate report that the Office of Community Services (OCS) release funding to States in the timeliest manner and that States make funds available promptly to local eligible entities. In addition, the conferees expect OCS to inform State CSBG grantees of any policy changes affecting carryover funds within a reasonable time after the beginning of the Federal fiscal year. The House did not include similar language.

As proposed by both the House and Senate, the conference agreement includes \$32,731,000 for community economic development. The conferees concur with language included in the Senate report that appropriated funds be allocated, to the maximum extent possible, in the form of grants to qualified community development corporations in order to maximize the leveraging power of the Federal investment and the number and the amount of set-asides should be reduced to the most minimal levels. The House did not include similar language.

The conference agreement includes \$7,367,000 for rural community facilities instead of \$7,242,000 as proposed by the House and \$7,492,000 as proposed by the Senate. The conferees intend that the increase provided for the Rural Community Facilities program be used to provide additional funding to the six regional RCAPs.

The conference agreement does not include funding for the National Youth Sports program as proposed by the House. The Senate proposed \$10,000,000 for this program.

The conference agreement does not include funding for community food and nutrition as proposed by the House. The Senate proposed \$7,180,000 for this program.

Independent living training vouchers

The conference agreement includes \$46,623,000 for independent living training vouchers as proposed by the Senate instead of \$50,000,000 as proposed by the House.

Community-based abstinence education

The conference agreement includes \$114,500,000 for community-based abstinence education as proposed by the House rather than \$105,500,000 as proposed by the Senate. The conference agreement includes \$4,500,000 in program evaluation funds for the abstinence education program and \$110,000,000 in budget authority. The conferees concur with language included in the House report regarding technical assistance and capacity-building support to grantees. The Senate report did not include similar language.

Within the total for community-based abstinence education, up to \$10,000,000 may be used to carry out a national abstinence education campaign as proposed by both the

House and the Senate. The conferees concur with language included in the Senate report that the Administration for Children and Families use available funds to continue support for an independent group to conduct a thorough and rigorous evaluation of this campaign. The House did not include similar language.

Program direction

The conference agreement includes \$185,217,000 for program direction as proposed by the House instead of \$186,000,000 as proposed by the Senate.

PROMOTING SAFE AND STABLE FAMILIES

The conference agreement includes \$90,000,000 for the discretionary grant program of promoting safe and stable families as proposed by the Senate rather than \$99,000,000 as proposed by the House.

GENERAL PROVISIONS

HEAD START COMPENSATION

The conference agreement includes a general provision that prohibits the use of funds for Head Start to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II, as proposed by the House. The Senate bill did not contain a similar provision.

EVALUATION TAP AUTHORITY

The conference agreement includes a provision to allow for a 2.4 percent evaluation tap pursuant to section 241 of the Public Health Service Act. This tap is to be applied to programs authorized under the Public Health Service Act. The House bill contained a provision to allow for a 1.3 percent evaluation tap and the Senate bill allowed for a 2.5 percent evaluation tap.

ONE PERCENT TRANSFER AUTHORITY

The conference agreement includes language proposed by the Senate providing the Secretary of HHS with the authority to transfer up to 1 percent of discretionary funds between a program, project, or activity, but no such program, project or activity shall be increased by more than 3 percent by any such transfer. Additionally, a program, project or activity may be increased up to an additional 2 percent subject to written approval of the House and Senate Appropriations Committees. The House bill included a similar provision, but allowed the authority to transfer between appropriations.

HEAD START TRANSPORTATION WAIVER

The conference agreement modifies general provision language proposed by the Senate pertaining to waivers for the transportation of children enrolled in either Head Start or Early Head Start. The House included report language dealing with this issue.

HEAD START TRANSPORTATION REGULATION

The conference agreement includes a general provision that the regulation pertaining to Head Start transportation shall not be effective until June 30, 2006, or 60 days after the date of enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier. This clarifying provision was not included in either the House or Senate bills.

MEDICALLY ACCURATE INFORMATION IN ABSTINENCE PROGRAMS

The conference agreement does not include a general provision proposed by the Senate that none of the funds made available in the Act may be used to provide abstinence education that includes information that is medically inaccurate, which is defined by information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations, and agencies. The House did not include a similar provision.

HELP AMERICA VOTE ACT

The conference agreement does not include a general provision proposed by the Senate providing additional funding for the Help America Vote Act. Funding for programs authorized by the Help America Vote Act and administered by HHS are included within the Children and Families Services section of the Administration for Children and Families. The House did not include a similar provision.
